

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

PATRICIA KAMMEYER, et al.	:	Case No. C-1-01-649
Plaintiffs	:	Spiegel, J. Black, M.J.
vs.	:	
CITY OF SHARONVILLE, et al.	:	<u>PLAINTIFFS' MEMORANDUM IN RESPONSE TO NONPARTY DALE DORNING'S MOTION FOR PROTECTIVE ORDER</u>
Defendants	:	
	:	

Nonparty Dale Dorning has filed a motion for a protective order requesting that he be excused from any further obligation to give deposition testimony in this case (Doc. 223). Mr. Dorning, a nonparty witness with extensive knowledge regarding this case, has thus far been extremely gracious in submitting himself to lengthy deposition sessions. Defendants have subjected Mr. Dorning to questioning that, at times, hardly seemed relevant to any claim or defense in the case.

Plaintiffs are certainly cognizant of the burden that has already been imposed on Mr. Dorning as a result of the lengthy questioning conducted by Defendants. Nonetheless, Plaintiffs have not been afforded the opportunity to depose Mr. Dorning. Accordingly, Plaintiffs request that this Court grant Mr. Dorning's motion in part. Specifically, Plaintiffs request that the Court enter a protective order that establishes strict time limits on the amount of time that the parties may further question Mr. Dorning. Plaintiffs ask that the Court permit them to conduct a 90-minute deposition of Mr. Dorning.

All parties agree that Mr. Dorning is an important witness. However, he has been deposed by only one of the defendants, and by none of the plaintiffs. Plaintiffs respectfully

request that this Court enter a protective order permitting the parties to take time-limited depositions of Mr. Dorning. Such an order will balance the interests of the parties in completing discovery in this litigation and the interest of Mr. Dorning in being free of unduly burdensome proceedings.

Respectfully submitted,

/s/ Alphonse A. Gerhardstein
Alphonse A. Gerhardstein # 0032053
Trial Attorney for Plaintiffs
Paul Laufman #0066667
Donald R. Caster #0077413
Attorneys for Plaintiffs
GERHARDSTEIN BRANCH & LAUFMAN
617 Vine Street, Suite 1409
Cincinnati, Ohio 45202
(513) 621-9100
(513) 345-5543 fax
agerhardstein@gblfirm.com
plaufman@gblfirm.com
dcaster@gblfirm.com

Certificate of Service

I hereby certify that on March 11, 2005, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Alphonse A. Gerhardstein
Alphonse A. Gerhardstein